

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 15, 1965  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND BORONO SCHMIDT, First Methodist Church.

Pursuant to published notice thereof the following zoning applications were publicly heard:

D. R. WALKER	8617 Burnet Road	From "C-1" Commercial
By Charles W. Harrell	2307-2315 Polaris Ave.	6th Height & Area
		To "C-2" Commercial
		6th Height & Area
		RECOMMENDED by the
		Planning Commission

Councilman Long moved that the change to "C-2" Commercial 6th Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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C. E. FAULKNER  
By Barton D. Riley

Rear of 1204-1206 West  
33rd Street

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission

Councilman White moved that the change to "B" Residence be granted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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J. E. SULLIVAN

2201-2203 Manor Road  
2213-2217 Coletto Street  
(As amended)

From "C-1" Commercial  
2nd Height & Area  
To "C-2" Commercial  
2nd Height & Area  
RECOMMENDED by the  
Planning Commission

Councilman Long moved that the change to "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 2nd Height & Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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B. J. McADOO

2904 (2906) South 1st  
Street

From "B" Residence  
To "GR" General Retail  
RECOMMENDED by the  
Planning Commission

Councilman White moved that the change to "GR" General Retail be granted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. J. L. JOSEPH, SR. 915-919 (905-909) Barton From "C-1" Commercial  
 By W. E. Timberlake, Springs Road 2nd Height & Area  
 Jr. To "C-2" Commercial  
 2nd Height & Area  
 RECOMMENDED by the  
 Planning Commission

Councilman Long moved that the change to "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOE E. McGEATH, et ux 3907-3911 Alice Avenue From "A" Residence  
 and E.M. SHERRILL, 1007-1011 West 39 $\frac{1}{2}$  Street To "IR" Local Retail  
 et ux, By Maurice Additional Area RECOMMENDED by the  
 Cohn, M.D. 3901-3905 Alice Avenue Planning Commission  
 1006-1010 West 39th Street

Councilman Long moved that the change to "IR" Local Retail be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "IR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. SHIKREY JOSEPH 211-215 (207) East 1st From "C-1" Commercial  
 By Harold Joseph Street 4th Height & Area  
 To "C-2" Commercial  
 4th Height & Area  
 RECOMMENDED by the  
 Planning Commission

Councilman Long moved that the change to "C-2" Commercial 4th Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 4th Height & Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. ORA T. BOOTH  
By Arthur Pihlgren

2413 Rio Grande Street  
613-615 Cleveland

From "B" Residence 2nd  
Height & Area  
To "C" Commercial 2nd  
Height & Area  
RECOMMENDED by the  
Planning Commission

Councilman Shanks moved that the change to "C" Commercial 2nd Height & Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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CITY OF AUSTIN

Rear of 1000-1030 Reinli  
Street

From "A" Residence 1st  
Height & Area and  
"C" Commercial 5th  
Height & Area  
To "GR" General Retail  
2nd Height & Area &  
"B" Residence 2nd  
Height & Area  
RECOMMENDED by the  
Planning Commission  
except for west 20'

Councilman Long moved that the change be granted to "GR" General Retail 2nd Height and Area and "B" Residence 2nd Height and Area except for west 20'. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail 2nd Height and Area and "B" Residence 2nd Height and Area except for west 20' and the City Attorney was instructed to draw the necessary ordinance to cover.

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HENRY WIRE

2034 South Lamar  
Boulevard

From "C-1" Commercial  
2nd and 6th Height  
& Area  
To "C-2" Commercial 2nd  
& 6th Height & Area  
RECOMMENDED by the  
Planning Commission

Councilman Shanks moved that the change to "C-2" Commercial 2nd and 6th

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Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 2nd and 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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MARJORIE ANNE DELAFIELD	1219-1221 (1207) Hillside Avenue	From "A" Residence To "BB" Residence RECOMMENDED by the Planning Commission
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Councilman Long moved that the change to "BB" Residence be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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CLARENCE FLOURNOY	1001-1003 East 10th Street 907-911 San Marcos Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area RECOMMENDED by the Planning Commission
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Councilman White moved that the change to "B" Residence 2nd Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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H. G. LINSOMB                    3404-3506 Lyons Road  
By Metcalfe Engineer- 900-1010 Gunter Street  
ing Company

From "D" Industrial 3rd  
Height & Area  
To "A" Residence 1st  
Height & Area  
RECOMMENDED by the  
Planning Commission

Councilman Long moved that the change to "A" Residence 1st Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "A" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN M. PAVER  
By John T. Ross

1606-1608 (1612) Rio  
Grande Street  
701-705 West 17th Street

From "D" Office 2nd  
Height & Area  
To "C" Commercial 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission

Mr. Trueman O'Quinn represented the applicant. Mr. John T. Ross, the contractor, was present also. Mr. O'Quinn stated under the present ordinance they would be permitted to build 21 units with 750 square feet and they asked that they be permitted to build 34 units with a minimum of 500 square feet each unit; and they would provide 70 off-street parking spaces. He discussed the provisions of the new zoning ordinance. He said this property was across the street from the Rio House, that the Council had recognized the need for zoning this property "C" Commercial and they asked the same zoning so they could have a greater density. He stated they already have their plans for an apartment hotel and if they did not build the apartment hotel they would put in an application to change the zoning back. He read a petition signed by 16 property owners that had no objection to the change. Mr. O'Quinn asked the Council to accept their good faith that they would not build anything other than the apartment hotel, and grant the change.

The daughter of MRS. W. B. SHOE, owner of property at 16th and West Avenue, inquired what the new ordinance would do to the entire block as they wanted to keep this area as residential. She objected to the change as they could not get in their driveway now and this change would increase the traffic. Mr. Bill Psencik, representing the owners of the Rio House, did not object to this use of the property but would object to a filling station.

Councilman Shanks moved that the change be granted as requested. (limiting to 34 units) The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial

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2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

RICHARD D. & CARL C. 710-900 West 23rd Street  
 HARDIN 801-811 West 24th Street  
 By Paul D. Jones

From "B" Residence 1st  
 Height & Area  
 To "C" Commercial 3rd  
 Height & Area  
 (As amended)  
 RECOMMENDED by the  
 Planning Commission

MR. PAUL D. JONES represented the applicants. He showed the Council an architect's sketch of the Apartment Hotel to be erected on this property. He said there would be some commercial businesses in the building but they would all face on a courtyard and there would not be any entrances from either 24th or 23rd Streets. He stated there would be 128 units to accommodate 420 girls and there would be 212 off-street parking spaces. Mr. Jones said the objection at the Planning Commission meeting was the traffic and they opposed having all the traffic enter or exit on 23rd Street. The design now has entrances and exits also on 24th Street but without curb cuts. He brought out that this property is just 3 blocks from the University campus and people who live this close will walk. Also bus service will be provided. Mr. Jones read a letter from Mr. L. D. Haskew of the University, stating this type of facility is needed. He stated that the area was changing, with more density; that the density has to be substantial to be economically feasible and this must be considered. He discussed the 25' set-back on both streets.

DR. HARRY E. MOORE, Professor of Math at the University of Texas, opposed this zoning. He said this area was desirable as residential, that it was quiet and the problem of congestion and noise would spoil the neighborhood. He discussed the problem of traffic, stating 400 girls would have many dates and they would come in cars; and it would require many trucks to service an apartment of this size. He asked the Council not to give up control of this property because if the Council granted the commercial zoning and the plans did not materialize for apartments the owners could build anything permitted in "C" Commercial zoning and it would be out of the Council's hands. He said there were only two other "C" Commercial zonings in the whole area and the rest was residential. He stated he thought this area was the nicest location in the city and he wanted to continue to live there and he asked the Council not to grant this change of zoning. BETTY SLAUGHTER, 906 W. 23rd Street, opposed the change stating it would be over-congested and the traffic was terrible. Upon inquiry by Councilman Long that she was for the change when it was before the Commission, Mrs. Slaughter stated at the time they thought they could not fight progress but she was opposed to commercial zoning.

MR. ED STEVENS, Chief, Plan Administration, stated 24th Street needed to be widened to 70' and they would need an additional 5' on either side. Mr. Jones stated this was not discussed at the Planning Commission meeting but he did not anticipate any difficulty in getting the 5' as they will have a 25' set-back, and they would offer 5 or 10' when the alignment is fixed. The Mayor stated the Council would look at this property and give an early answer.

Later in the afternoon meeting Councilman Shanks moved that the Council

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sustain the Planning Commission and grant the change to "C" Commercial 3rd Height and Area contingent on 5' being given if needed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 3rd Height and Area contingent on 5' being given if needed, and the City Attorney was instructed to draw the necessary ordinance to cover.

Later Councilman Shanks moved that MR. RICHARD BAKER be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. BAKER stated they had no objection to the 5' but to avoid having to go before the Board of Adjustment for a variance he asked that they not be required to dedicate the 5' prior to the change of zoning as they have to have a 25' set-back to get their building permit. He said they did comply at this time. Councilman Long moved that the City Manager be instructed to have the City Attorney to work out the dedication of the right-of-way. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

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NORMAN W. ECKHARDT	700-704 West 23rd Street 2300-2302 Rio Grande Street	From "B" Residence 2nd Height & Area To "LR" Local Retail 3rd Height & Area RECOMMENDED by the Planning Commission
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No one appeared for the applicant. MR. JOEL E. GUNN, 706 West 23rd Street, inquired how close the owners would be allowed to build to the property line. He said they had been permitted to repair an old barn, that he had put his fence on Mr. Gunn's line, and had a casement window over the line. He asked that if a new structure is built that these be eliminated. Mr. Stevens stated they would be required to set-back 10' from the street and 5' from the side yard provided they build a new structure. Mr. Gunn said if there would be a 5' set-back he would have no objections. The Mayor stated the Council would go look at this property.

Later in the afternoon meeting, Councilman Shanks moved that the Council sustain the Planning Commission and grant the change to "LR" Local Retail 3rd Height and Area. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail

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3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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GEORGE SLAUGHTER	Rear of 3213-3217 Red	From "C" Commercial
By Arthur E. Pihlgren	River Street	To "C-1" Commercial
		RECOMMENDED by the
		Planning Commission

MR. ARTHUR E. PIHLGREN represented the applicant. He stated this property was leased by the 7-Eleven Stores. He said the building was built in 1958 and was closed in 1961 and has been vacant since that time. They would now like to re-open the store and this application is to permit the sale of beer for off-premise consumption. DR. P. J. PARIS, 919 Keith Lane, opposed the sale of beer at this location. Councilman Shanks moved that the Council sustain the Planning Commission and grant the change to "C-1" Commercial. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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RICHARD HOOPER	Tract 1	From "C" Commercial and
	4800-4802 North Inter-regional Highway (as amended)	"GR" General Retail 1st and 5th Height & Area
		To "C" Commercial 5th Height & Area
	Tract 2	From "C" Commercial and
	4804 North Interregional Highway (as amended)	"GR" General Retail 1st & 5th Height & Area
		To "C-2" Commercial 5th Height & Area
		RECOMMENDED by the Planning Commission as amended

MR. RICHARD HOOPER appeared in his own behalf. He stated he wanted to build a restaurant and lounge in connection with the motel. He said the amendment was agreeable with him. MR. HOWARD WRIGHT, 4808 East Avenue, opposed the "C-2" Commercial zoning to permit a lounge but did not oppose the restaurant. He sated he and his wife wanted to go on record as opposing the "C-2" Commercial. Councilman Shanks moved that the change be granted as amended. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial

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5th Height and Area for Tract 1 and to "C-2" Commercial 5th Height and Area for Tract 2 and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK MEECE

204-306 Crockett Street  
2007-2011 Wilson Street

From "A" Residence 1st  
Height & Area  
To "B" Residence 2nd  
Height & Area  
NOT RECOMMENDED by the  
Planning Commission  
RECOMMENDED "B" Resi-  
dence 1st Height & Area

MR. FRANK MEECE appeared in his own behalf. He stated they wanted to extend the Chateaux Deville Apartments and "B" Residence 1st Height and Area as recommended by the Planning Commission would not allow them to build enough units. He said they had the same problem two years ago on the adjacent property and the Council had granted the change limiting the number of units to 44 and they had built 43. "B" Residence 2nd Height and Area would permit them to have 157 units and they want to build only 80 units and they would provide 2½ parking spaces for each apartment. Councilman Shanks moved that the Council grant the request to "B" Residence 2nd Height and Area and restrict it to a maximum of 80 units. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area restricting it to a maximum of 80 units, and the City Attorney was instructed to draw the necessary ordinance to cover.

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H. WARREN SMITH

1500-A West 35th Street  
3502 Mills Avenue

From "GR" General Retail  
To "C-2" Commercial  
NOT Recommended by the  
Planning Commission

MR. SMITH represented himself. No opposition appeared. Councilman Long moved that the change to "C-2" Commercial be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROANE H. PUETT &  
MICHAEL A. WASH

2913-2915 East 12th Street From "A" Residence  
Additional Area To "C" Commercial  
Rear of 2913-2915 East RECOMMENDED by the  
12th Street Planning Commission

portion north of addi-  
tional area located at  
2913-2915 E.12th Street  
NOT Recommended addi-  
tional area and subject  
property east and south  
of the additional area  
at the rear of 2913-  
2915 East 12th Street

MR. MIKE WASH represented the applicants. He stated they accepted the recommendation of the Planning Commission. He said this would be an extension of zoning and would be consistent and compatible with the area. MR. L. OWENS opposed the zoning stating this was a quiet residential area and they want to keep it that way. This change would create a disturbance and would be detrimental to have commercial in the neighborhood. MR. BOOKER T. MOORE spoke in opposition, stating this was a spot zone and that there was not a need. MR. M. E. GRAVES, representing Reverend Bartee, opposed stating they would like to keep the area residential. REVEREND P. H. HOLMES, representing the Pilgrim Home Baptist Church, spoke in opposition. Mr. Ed Stevens stated there was a need of 60' of right-of-way which would all come off the south side of 12th Street. The Mayor said the Council would go look at this property and make a decision as soon as possible.

THE NICKELL CORPORA-  
TION, By Franklin  
Kohutek

2909-2913 West Avenue  
Additional Area  
2907 West Avenue

From "BB" Residence 1st  
Height & Area  
To "BB" Residence 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission

DORA PENDLETON spoke for the change stating they wanted to build apartments. PETER VON WUPPERFIELD spoke in opposition. He said they could have 10 units under the present zoning, if the change were granted they would be permitted 4 additional units but they plan to build from 26 to 28 units with a special permit. He stated the area was relatively well kept and these additional apartments would create more traffic and noise and there was not a need for them. The Mayor said the Council would go look at the property and make a decision as soon as possible.

JOSIE MAE FERGUSON  
By R. B. Smith

1509-1511 (1505) East  
7th Street

From "C" Commercial 2nd  
Height & Area  
To "C-2" Commercial 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission

MR. R. B. SMITH, real estate agent, represented the applicant. He said

Mr. Cornelius James wanted to purchase this property and put up a nice modern structure for the sale of food and beer. MR. JAMES stated he had a place on Rosewood but it was in the Urban Renewal area and he would have to move. The Mayor stated the Council would go look at this property.

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MRS. BERTHA C. REICHERT	909 Anderson Lane	From "A" Residence
By John O. Yokie, Jr.		To "C" Commercial
		RECOMMENDED by the
		Planning Commission

MR. JOHN O. YOKIE, JR. represented the applicant. He inquired as to the question of widening Anderson Lane. He said he would have to talk with his client about the dedication of the right-of-way. The Mayor stated this would be brought up next week.

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ADELINE EHRHARDT	1001-1003 (1007-1009)	From "A" Residence
By Sam R. Perry	East 16th Street	To "LR" Local Retail
		NOT Recommended by the
		Planning Commission

MR. SAM PERRY represented the applicant. He said this property had been a non-conforming use for 40 years. The owner had tried to sell but no buyer will buy unless it is commercial as it is located adjacent to a monument works and the monument works is adjacent to the cemetery. He stated the flower business might continue but they want to make some changes. Councilman Long stated the use of this property would be limited because of the location. The Mayor stated the Council would go look at the property.

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ANDREW L. KILVIN & SYLVION KIVLIN	2101-2107 West 7th Street 613-615 Upson Street	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission
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MR. ALVIS VANDYGRIFF represented the applicant. He said because of the terrain and location this property could best be utilized by apartments and they felt there was a need for them. He stated the owners had offered a petition to vacate the alley in this block and if the alley were vacated it could be used for egress and ingress. He said this property may be affected by the Mo Pac Boulevard and 7th Street may be made one-way. Mr. Ed Stevens, Chief, Plan Administration, said because of the interchange and until it was determined, it was thought the alley should not be closed. MRS. SYLVION KIVLIN stated prior to the time they had purchased the property they had discussed the development with Mr. Rountree and the Planning Department and were told what to do. They got the names on a petition to close the alley and now it is at a stalemate because it might be in the Mo Pac interchange. She said they would like to do something with this property. The Mayor said they would go look at the property and make a decision as soon as possible.

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ANDREW L. KIVLIN & 2515-2601 Wheless Lane  
SYLVION KIVLIN

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission

MR. ALVIS VANDYGRIFF represented the applicant. He stated this was close to the Safeway property and he thought a study of the area was being made but they needed to utilize their property. He said this was a strip of land next to a larger tract and they want to build additional duplexes and there would be adequate parking. The Mayor said the Council would look at this property and give an answer as soon as possible.

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C. T. USELTON, 1219 N. Interregional  
Trustee Highway

From "B" Residence 2nd  
Height & Area  
To "C-2" Commercial 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission

MR. C. T. USELTON appeared in his own behalf. He stated when this application was made they did not have an option to buy the adjoining land but they do now and they were going to make an application for a zoning change on this property also. He stated there was going to be built a million dollar motel and restaurant on the property to the south. He asked that this be changed now but the building permit not be issued until the other property is changed. MRS. EMMA STARKS objected to the motel and the change of zoning. She said this was a quiet neighborhood and she would like to keep it that way. She was opposed to drinking. After discussion, the Mayor announced that action would be withheld until the other property comes up.

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HAROLD BYLER, 400-404 East 34th Street  
MICHAEL I. DAVIS 3401-3403 Tom Green  
& JAMES HOLLOWAY  
By Kelly DeBusk, Co.

From "A" Residence 1st  
Height & Area  
To "B" Residence 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission

Councilman Long moved that the Council permit the withdrawal of the application. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

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At 1:00 P.M. the Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

Councilman White moved that the Minutes of the Meeting of July 1, 1965, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman LaRue moved that the Minutes of the Meeting of July 8, 1965, be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: None  
Present but not voting: Councilman Long (as she was not present at the meeting)

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 6.95 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Highland Hills Northwest, Section 2)

Councilman White moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on July 29, 1965 at 10:45 A.M. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 2.93 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Deer Park, Section 4)

Councilman White moved that the ordinance be published in accordance with

Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on July 29, 1965 at 10:45 A.M. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman White moved that shoreline improvements be approved for N.W. CHRISTENSEN on Lot 22, Block A, Rivercrest Addition, Section 1 (Lake Austin). The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Barton Boulevard and various other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried

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by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 29TH DAY OF JULY, 1965, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Alexander Avenue and various other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 12, 1965, for the sale of sixteen (16) houses that Urban Renewal has turned over to the City for disposal; and,

WHEREAS, the bids of A. Heyer, in the sum of \$24.85 for house located at 1804 Pennsylvania (R), in the sum of \$24.85 for house located at 1185 Salina, in the sum of \$22.65 for house located at 1187 Comal, in the sum of \$31.75 for house located at 1181- $\frac{1}{2}$  Comal, in the sum of \$6.21 for house located at 1616 Rosewood, in the sum of \$16.31 for house located at 1616 Rosewood (R), in the sum of \$21.85 for house located at 1615 Washington, in the sum of \$8.00 for house located at 1609 Washington, in the sum of \$29.85 for house located at 1154 Leona, in the sum of \$28.85 for house located at 1152 Leona, in the sum of \$36.75 for house located at 1628 Rosewood, and in the sum of \$36.60 for house located at 1626 Rosewood; and the bids of W. Johnston, in the sum of \$7.01 for house located at 1501 Hackberry, and in the sum of \$7.61 for house located at 1505 Washington, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids of A. Heyer and W. Johnston for the above houses, be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute contracts, on behalf of the City, with A. Heyer and W. Johnston.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a License Agreement, on behalf of the City of Austin with Southern Pacific Company for the installation of an eight-inch (8") cast iron sanitary sewer line to cross said Southern Pacific Company's property and under its Llano Branch Main tract at Engineer's Station 187/46 (M.P. 4.98), Travis County, Texas, in accordance with the terms and provisions of a certain license agreement exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said license agreement in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter a wire line crossing agreement, on behalf of the City of Austin, with Southern Pacific Company for the construction, maintenance and operation of a line of 7.2 KV electric power wire or wires over and across said Southern Pacific Company's property at Austin Mile Post 4.99, Travis County, Texas, in accordance with the terms and provisions of a certain wire line crossing agreement exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said wire line crossing agreement in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"July 13, 1965

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, July 9, 1965, at the office of the Director of the Water and Sewer Department for the construction of SANITARY SEWER IN TRACOR LANE AREA. Approximately 2247 feet of 8-inch, 676 feet of 10-inch, and 1479 feet of 12-inch concrete sewer mains, 2709 feet of 8-inch cast iron force main and one sewage pump station located South of East 19th Street between Walnut Creek Sewage Treatment Plant and Loop 111. The purpose of this project is to serve the Industrial Area in Tracor Lane and the T.B. Sanatorium. The bids were publicly opened and read in the Second Floor Conference Room of the Municipal Building.

"The following is a tabulation of bids received:

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<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Capitol City Utilities	\$50,904.17	130
Eland Construction Company	54,132.50	115
Austin Engineering Company	62,251.75	70
Ford-Wehmeyer, Incorporated	62,874.00	80
Walter W. Schmidt	72,596.75	125
City of Austin (Estimate)	51,912.00	60

"It is recommended that the contract be awarded to Capitol Utilities on their low bid of \$50,904.17, with 130 working days.

"Yours truly,  
s/ Victor R. Schmidt, Jr.  
Victor R. Schmidt, Jr.  
Director Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 9, 1965, for the construction of sanitary sewer in Tracor Lane area; approximately 2247 feet of 8-inch, 676 feet of 10-inch, and 1479 feet of 12-inch concrete sewer mains, 2709 feet of 8-inch cast iron force main and one sewage pump station located south of East 19th Street, between Walnut Creek Sewage Treatment Plant and Loop 111; and,

WHEREAS, the bid of Capitol City Utilities, in the sum of \$50,904.17, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Capitol City Utilities, in the sum of \$50,904.17, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Capitol City Utilities.

The motion, seconded by Councilman Shanks, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS on maps or plats of Highland Hills, Section Five, Phase Two, a subdivision of record in Book 20 at Page 49 of the Plat Records of Travis County, Texas, a certain street, extending from the north line of Highland Hills Terrace in a northerly and northwesterly direction to the south line of Highland View Drive, is designated as Tumbling Trail; and,

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WHEREAS, on maps or plats of Highland Hills, Section Five, Phase One, a subdivision of record in Book 8 at Page 162 of the Plat Records of Travis County, Texas, and Highland Hills, Section Five, Phase Two, a subdivision of record in Book 20 at Page 49 of the Plat Records of Travis County, Texas, a certain street, extending from its intersection with Highland Hills Drive in an easterly direction to the east line of Tumbling Trail, is designated as Highland Hills Terrace; and,

WHEREAS, on maps or plats of Northwest Hills, Section Five, a subdivision of record in Book 14 at Page 9 of the Plat Records of Travis County, Texas, a certain street extending from the intersection of Mountainclimb Drive and Sierra Drive in a northeasterly direction 130 feet, more or less, to the east boundary line of said Northwest Hills, Section Five, formerly designated as Sumak Drive and now is designated as Crestline; and,

WHEREAS, on maps or plats of Highland Hills, Section Five, Phase Two, a subdivision of record in Book 20 at Page 49 of the Plat Records of Travis County, Texas, a certain street extending from intersection of Highland View Drive with Tumbling Trail in a northeasterly direction to intersection of Highland View Drive and Lamplight Lane, is designated as Highland View Drive; and,

WHEREAS, on maps or plats of Highland Hills, Section Five, Phase Two, a subdivision of record in Book 20 at Page 49 of the Plat Records of Travis County, Texas, a certain street extending from the east line of Tumbling Trail in a southeasterly direction 200 feet, more or less, to end of street at the east boundary line of said Highland Hills, Section Five, Phase Two, is designated as Highland Hills Terrace; and,

WHEREAS, on maps or plats of Highland Hills, Section Five, Phase Three, a subdivision of record in Book 10 at Page 26 of the Plat Records of Travis County, Texas, and Highland Hills, Section Five, Phase Four, a subdivision of record in Book 12 at Page 27 of the Plat Records of Travis County, Texas, a certain street extending from the intersection of Highland Pass and Bull Creek Road, also known as Ranch to Market Road 2222, in an easterly direction to the west line of Highland Hills Drive, is designated as Highland Hills Parkway; and,

WHEREAS, on maps or plats of Highland Hills, Section Five, Phase Two, a subdivision of record in Book 20 at Page 49 of the Plat Records of Travis County, Texas, and Highland Hills, Section Seven, Phase One, a subdivision of record in Book 16 at Page 84 of the Plat Records of Travis County, Texas, a certain street extending from its intersection with Highland View Drive in a northerly and northwesterly direction to end of street at a northwest line of said Highland Hills, Section Seven, Phase One, is designated as Lamplight Lane; and,

WHEREAS, on maps or plats of Highland Hills, Section Six, Phase One, a subdivision of record in Book 13 at Page 17 of the Plat Records of Travis County, Texas, a certain street extending from the east line of Highlandale Drive in an easterly direction 195 feet, more or less, to the east boundary line of said Highland Hills, Section Six, Phase One, is designated as Highland View; and,

WHEREAS, the present owners of all lots abutting said streets have requested that the names of said above described streets be changed; Now, Therefore,

## BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the names of the following streets, as same appear on the maps or plats of above described and recorded subdivisions, be and the same are hereby changed as follows:

<u>FROM</u>	<u>TO</u>
Tumbling Trail	Highland Hills Drive
Highland Hills Terrace	Highland Hills Drive
Crestline	Highland Hills Drive
Highland View Drive	Highland Hills Drive
Highland Hills Terrace	Highland Hills Trail
Highland Hills Parkway	Highland Pass
Lamplight Lane	Highland Hills Drive
Highland View	Highland View Drive

The motion, seconded by Councilman Shanks, carried by the following vote:  
 Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

Councilman Long asked that they check on the City Directory and let them know the City was changing the names of these streets. It was stated the street signs would be changed when the Telephone Directory came out.

Councilman Long moved that the Council accept the recommendation of the Building Standards Commission as follows:

1201 Olander  
 Mrs. Joyce Barton

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner be given 30 days from June 9, 1965 to bring structure to requirements of the Minimum Housing Code or demolish structure; that after 30 day period if owner has failed to bring structure to requirements or demolished the structure, the Legal Department be instructed to seek judicial determination that structure is a public nuisance in a court of competent jurisdiction; that upon a termination of the legal proceedings in favor of the City, the failure of the defendant to abate the nuisance, the forces of the City, with permission of the court, be empowered to demolish the structure and affix the costs thus incurred as a valid and enforceable lien against the property upon which the structure is located.

The motion, seconded by Councilman LaRue, carried by the following vote:  
 Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The City Manager gave a brief explanation of refund contracts with Balcones Hills, Inc., Western Trails, Inc. and A Realty, Inc.

Mayor Palmer introduced the following ordinance :

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH BALCONES HILLS, INC., FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance :

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH WESTERN TRAILS, INC., FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

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St. Joseph Boulevard  
(North half - north of  
drainage ditch)

Hardy Drive to  
Burnet Road

Westbound

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be and she is hereby authorized and directed to record this finding in Section 33.38 of the Traffic Register.

The motion, seconded by Councilman Shanks, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer recommended the reappointment to the Urban Renewal Board of Commissioners for a two year term to expire July 23, 1967, the following:

MR. WESLEY PEARSON  
MR. HARRY PETERSON  
MR. MILTON SMITH

Councilman Shanks moved that the Mayor's choice be sustained. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer  
Noes: None  
Present but not voting: Councilman White

MR. BOB ARMSTRONG stated they had completed the improvements on the property leased from the City and he hoped the Council would be pleased with what had been done.

Councilman Long moved that the Council authorize fogging of areas requested in petitions for Oak Trailer Park on South Congress Avenue; Crestview area (St. Johns, Justin Lane and others); and Catalpa Street, Navasota, East 12th and Olive Street. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

MR. ESKEW, City Attorney, stated they had received inquiries about the plans in the Hospital area. The City Manager pointed out on the architects' plan for an Urban Renewal Project that the McCandless property was in commercial and to permit apartments would be in direct conflict as of right now. The Mayor inquired if permits issued prior even to the time the plan was submitted would be considered in conflict and the City Manager said it would. Discussion of the plan was held. The City Manager stated the architects plans were the basis on which the application for Urban Renewal had been submitted. He said the plan may be changed between now and the time an Urban Renewal Project is adopted but it hasn't been done and this is all they had to go by. The preliminary plan

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showed this particular area to be developed like a shopping center and to do so the property owners would have to agree to merge or some of them sell out to the others, or the agency buy it. Discussion of purchasing property in the area was held. Councilman Shanks moved that the Council ask the City Manager to ask the City Attorney to contact Mr. McCandless, explain to Mr. McCandless what the City's problem is and start negotiations to explore the possibility of acquiring the property. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

Councilman Long made the following statement regarding her vote:

"I think we ought to wait a while before we make a decision on this."

The City Manager stated MR. ATKINS at 1201 Trinity wants to spend close to \$1,000 to repair his present structure. This would be interior repairs. Councilman Long asked if the City would be purchasing this any time soon and it was stated this might be privately owned; the use of which might be doctors' clinics and the like. This property is in the Hospital area. Councilman Long moved Mr. Atkins be granted permission to do the interior decorating in the amount of \$1,000. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer read two letters, one from MR. C. T. USELTON addressed to the Mayor and filed with the City Clerk on Wednesday, July 14, 1965, in which he stated the SAM McDONALD property had been offered at a tax sale and as there were no bidders it was struck off to the City of Austin as Trustee; that it was his understanding that it had been a policy of the City to resell such property to the first person with the money and requested that it be sold to them. He tendered a cashiers check in the amount of \$10,806.43 and requested that it be sold to him. The other letter was from MR. THOMAS T. SMITH as Trustee for SAM and GAYNELL McDONALD, owners of the property, stating he was prepared to tender sufficient funds to cover all back taxes and costs incurred in the foreclosure proceedings; and asking the City to accept his offer. The City Manager explained that property sold at a tax sale is subject to right of redemption by the owner; that as one of the taxing agencies the City bid the property in as trustee for itself, the Schools, the County and the State. As to the policy Mr. Uselton referred to, it was discussed and brought out the Council or City Manager had never adopted such a policy. Councilman Long felt the property owner should be entitled to redeem his property. Upon inquiry by Councilman Shanks Mr. Smith stated he was here to redeem the property for the McDonald's. Councilman White asked again about the policy of selling property to the first person tendering a check. The City Manager stated the City was holding this case as trustee and the state law specifically provides how this has to be handled and he believed it provides the appointment of a Commissioner, who will actually execute a deed. Councilman Long moved that the City Manager be authorized to accept the money

tendered by Mr. Sam McDonald, the original owner of the property in the tax sale and work this out through the usual means. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: Councilman White

Councilman Long moved that Mr. Uselton's check be returned to him and his offer not be accepted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: Councilman White

MR. JEROME SNEED, represented MR. OSWALD WOLF concerning the property bought by the City from Oswald Wolf. He said on July 31, 1953, the City made an overture to Mr. Wolf through Mr. Burns to open negotiations for the purchase of two lots just off the Interregional Highway. The original contract was dated July 31, 1953. He read from the original contract the following: "It is further agreed that the owner shall have the option to repurchase that portion west of the Interregional right-of-way of the above described lots, within five years from date of deed if the City does not need any substantial part of said portion for public purposes, for a consideration of \$400.00". The Council discussed briefly the purchase of property for the Interregional Highway and its authorization. Mr. Sneed said on October 31, 1953, Mr. Wolf executed his deed to the City, pursuant to that contract of sale and on October 30th or 31st, 1958, which was within the five year period, Mr. Wolf exercised his option, advised the City that he wanted to buy and tendered his check and it had not been returned to him. Councilman LaRue said he thought within the five year period the Council had to take some affirmative action. Mr. Sneed said he had gone into that at great length in the material he would submit to the Council, that it did not say that in the original contract. He said Mr. Wolf signed the deed to the City on October 31, 1953, and the option referred to by Councilman LaRue was not delivered to Mr. Wolf until four days later. Councilman Long said the Council never did agree that there was not a need for this property within the five years. Mr. Sneed said they did not have to, that within the five years there had been no use made of it and there had been none until this day. The words "use" and "need" were discussed. Mr. Sneed said there was no provision in the original contract as to who was going to determine the need, and the City had not made any use of it, they have not made any use of it until now and he understood there is a proposal to sell it for other purposes. Mr. Sneed said their position was that the Contract of Sale and the Contract of Option are entirely different contracts and Mr. Wolf relied on his original contract and he never did agree to accept the meaning of the option contract. The City Attorney stated if the Council passes on the question of whether or not the property is now needed for a public use as opposed to a private use, then the balance of the questions will all resolve; if the property is going to be sold then he has something else to talk about, if the property is not going to be sold then he has nothing else to talk about. Councilman Shanks asked if there were any need for public use. The City Manager said he could not say there would never be a need for this property but they see no present need for it for highway purposes at least. It was brought out there was always a possibility of a need. The City Attorney stated the question to be determined was the need for public purposes, and if the

Council now determines that it is needed for public purposes and not for private purposes then there is nothing else to discuss. The Council could decide now there was no need in 1958. Mr. Sneed said they had a Contract to Purchase with an option for Mr. Wolf to re-buy within a five year period. He said the option signed by Mr. W. E. Seaholm and dated November 2, 1953 was delivered to Mr. Wolf four days after the deed was signed and Mr. Wolf never approved this. Mr. Eskew pointed out this was not signed by Mr. Wolf. Mr. Eskew's analysis was that both of these instruments mean the same thing, that is, no one can determine the City's needs except the City Council and the option spells it out in detail and the Contract of Purchase does not but they mean the same thing; but Mr. Sneed has the position that this allows that the question of need was a question of fact and not a question of determination by the Council. Discussion of purchase sales contracts and option contracts was held. Mr. Sneed said they were holding to the original option. He said just before the five years was up Mr. Wolf wrote a letter exercising his option to buy and included his check for \$400, he did not hear from the Council and he had written several letters since and had no response. Councilman LaRue said at the time this took place there was a good chance they did need it, that they indicated there were three or four possible uses for it at that time. It was brought out that it was discussed and the Council had taken action on it. Mr. Sneed said the Council had acted all the time on the theory that the so-called second option is the one that prevails and he and Mr. Wolf take the position that the first one prevails. The City Manager read a memorandum from Mr. Wolf's file dated January 4, 1961 regarding a visit from the City Attorney to Mr. Wolf. Councilman Long asked that the Council be furnished copies of the brief, and also copies of the Minutes of what took place when this was presented to the Council and action taken. Mr. Sneed furnished copies of the brief to the Council. Mr. Eskew said this brief does not relate conversation between Mr. Sneed and himself but he had done a very thorough job in giving documents and they agree exactly with the copies in his files. Upon Councilman Shanks' inquiry if the Council did not know if it were going to need this property at the end of five years, Mr. Sneed replied that he thought no one thought it would take more than five years for them to make up their minds, but when it did take more than five years, within that five year period as Mr. Wolf was obligated to do, he wrote a letter and attached a \$400 check to it. Councilman Shanks said it was the City's option to make up their mind and he read again the portion where it said "if the City does not need" and asked Mr. Sneed if it must be conceded that the writing as signed must prevail and Mr. Sneed said that was right. Mr. Sneed stated Mr. Wolf said he did not know about the word "needed" being inserted for "use" and he conceded that they would take that contract for just what it says. Councilman Shanks stated if the Council thought at that time it was going to need it at the end of five years then it looked like the option was null and void by the very fact that they did not sell it back. Mr. Sneed stated their position was that Mr. Oswald Wolf had complied with every term in that contract. He said the parties had something in mind when it set a five year limit, that the City was either going to need it or not going to need it within that five years, and within that five years it had not been used, the last eight years it had not been used. Councilman Long said in recent years there had been changes on the Interregional Highway and she thought the Council would have been acting rather hastily to sell off any of that property until the real need was known for highway purposes, besides some other possible public purposes. Mr. Sneed stated there had not been a need for the last 14 years. Mr. Eskew said the Council had acted on this saying they did have a need for it and he read from the Council Minutes of November 10, 1960, and January 5, 1961 pertaining to this. After further discussion, the Mayor said the Council would look this over and discuss it with the City Attorney and City Manager and they would make a determination on it.

The City Manager called attention to the Electrical Monthly Progress Report for June, 1965, which had been sent to the Council.

The City Manager announced that Mr. McClain, Field Representative of Home and Housing Finance Agency, would be in Austin, Tuesday, July 27th at 9:30 A.M. and he would be glad to meet with the Mayor and anyone designated by the Mayor, to discuss the Workable Program. The Mayor asked any of the Council Members that could to attend this Conference.

Councilman Shanks inquired why the Humane Society and the newspapers encourage people to break the law. He said he thought publicity should be given to the fact that the Council does not expect the Humane Society to encourage the people to break the law and if there is a law that it is up to the people to obey the law and it is the Council's intention to see that it is obeyed. Councilman Long said the City Attorney had suggested possibly the contract with the Humane Society should be renewed to see that the animals are not redeemed for less than the \$10.00 set up in the ordinance. The City Attorney discussed the contract.

The Mayor read the following correspondence:

1. Certificate of appreciation "In recognition of faithful and cooperative spirit in the release of employees for performance of military duty" from Headquarters Fourth United States Army, Fort Sam Houston, Texas, signed by R. W. Colglazier, Jr., Lieutenant General and a letter from William R. Calhoun, Major General VIII Army Corps.
2. Letter from Texas National Guard Armory Board stating the present lease option on the 18 acre tract on the Municipal Airport (construction of the Army National Guard facility) will expire 30 September 1965 and due to the proposed merger of the Army Reserve-Army Guard troop units and the Viet Nam crisis, they requested an extension of the option be granted until 31 December 1966.

Councilman Shanks moved that the option be extended until December 31, 1966. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor asked if it were agreeable with the Council to discuss the appointment of a warrant service. Councilman Long said since it has to do with whether or not they feel this type of service is proper and whether or not they think the people they are considering are the ones that they want, she felt they should do this in executive session. Mr. Paul Bolton inquired what this was about and the Mayor said it was an appointment of services for service of warrants.

Councilman Long moved that the Council adjourn to go into executive

session. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Council adjourned at 5:00 P.M. to go into executive session.

APPROVED

Levi E. Palmer  
Mayor

ATTEST:

Grace Monroe  
Assistant City Clerk